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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,265	10/30/2000	Marc Iacovelli	8209.506	6648

7590 05/23/2002
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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

5

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,265

Applicant(s)

IACOVELLI ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Sherman (6155629) and in further view of Wang (413850).

Lu discloses a vehicle floor mat comprising a molded flexible mat having a raised peripheral lip provided on side edges of the molded mat (figure 1); a first area contained within the peripheral lip (figure 1), the first area having a recessed bottom surface and a plurality of raised protrusions extending from the bottom surface thereby providing a texturized surface (figure 1). Lu discloses a second area contained within the peripheral lip, the second area having a recessed floor and a plurality of elongated parallel ridges protruding from the recessed floor (figure 1). Lu discloses that the second area further comprises a plurality of raised bumps on the recessed floor in between the parallel ridges (figure 1). Lu discloses that the first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat, and the second area of the molded mat generally covers a middle section of the substantial floor area of the mat (figure 1).

Lu fails to disclose at least one wear plate comprises a heel plate fixed upon the bottom surface of the molded mat or at least one wear plate comprising a toe plate

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located in the upper section of the mat. Sherman teaches a wear plate/heel plate fixed upon the surface of the molded mat for the purpose of covering an area wherein the driver's heel makes repeated contact (col. 6 lines 16-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Lu with a wear plate fixed upon the surface of the molded mat for the purpose of covering an area wherein the driver's heel makes repeated contact (col. 6 lines 16-18) as taught by Sherman. Lu and Sherman fail to teach that the wear plate is fixed upon the bottom surface of the mat or the top surface of the mat, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the wear plate on the bottom surface of the mat or top surface of the mat, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Lu and Sherman fails to teach a heel plate located on the top of the vehicle floor mat and a top plate located on the bottom of the vehicle floor mat. Wang teaches a toe plate located on top of the vehicle floor mat and a heel plate located on the bottom of the vehicle floor mat (figure 1). It would have been obvious to one of ordinary skill in the art to have provided both a heel plate located on the bottom of the floor mat and a toe plate located on the top of the floor mat for the purpose of avoiding wear and tear on the top and bottom of the vehicle floor mat.

2. Claims 8-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Sherman and in further view of Wang (Des. 413850).

Lu discloses a molded flexible mat having a front surface with a raised peripheral lip provided on side edges of the molded mat (figure 1); a first area contained within the peripheral lip (figure 1), the first area having a first texturized surface pattern (figure 1); a second area contained within the peripheral lip (figure 1), wherein the first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat (figure 1), the second area of the molded mat generally covers a middle section of the substantial floor area of the mat (figure 1). Lu discloses that the floor mat further comprises a backside having at least one gripping section for gripping the vehicle floor, the gripping section having a plurality of outwardly extending protrusions (figure 2). Lu discloses at least one gripping section located on the back side of the mat opposite of front wherein a wear plate would be fixed to. Lu fails to disclose at least one wear plate fixed upon a recessed bottom surface of the first area of the molded mat or that the wear plate comprises a toe plate located in the upper section of the mat and a heel plate located in the lower section of the mat. Lu fails to disclose that the wear plate is surrounded at its edges by a contoured wall and extending up from the bottom surface. Sherman teaches a wear plate that is surrounded at its edges by a contour wall fixed upon the surface of the molded mat for the purpose of covering an area wherein the driver's heel makes repeated contact (col. 6 lines 16-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Lu with a wear plate that is surrounded at its edges by a contoured wall fixed upon the surface of the molded mat for the purpose of covering an area wherein the driver's heel makes repeated contact

(col. 6 lines 16-18) as taught by Sherman. Lu and Sherman fail to teach that the wear plate is fixed upon the bottom surface of the mat or the top surface of the mat, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the wear plate on the bottom surface of the mat or top surface of the mat, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Lu and Sherman fails to teach a heel plate located on the top of the vehicle floor mat and a top plate located on the bottom of the vehicle floor mat. Wang teaches a toe plate located on top of the vehicle floor mat and a heel plate located on the bottom of the vehicle floor mat (figure 1). It would have been obvious to one of ordinary skill in the art to have provided both a heel plate located on the bottom of the floor mat and a toe plate located on the top of the floor mat for the purpose of avoiding wear and tear on the top and bottom of the vehicle floor mat.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Sherman and in further view of Bell et al. (4399176).

Lu and Sherman discloses the vehicle floor mat described above. Lu and Sherman fail to disclose that the wear plate comprises a metal plate having a texturized surface pattern. Bell et al. teaches that the vehicle floor mat has a metal plate having a texturized pattern (col 2 lines 60-64 col. 3 line 11) for the purpose of providing a mat that does not shift or move laterally over the nonplanar surfaces of the vehicle's floor (col. 3 lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Lu and Sherman with a vehicle floor mat that has a metal plate having a texturized pattern in order to provide a mat that does not shift or move laterally over the nonplanar surfaces of the vehicle's floor (col. 3 lines 11-13) as taught by Bell et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee
May 16, 2002


HAROLD PYON
SUPERVISORY PATENT EXAMINER
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5/20/02